

MANDATE

EDNY BKlyn
96-cv-5238
Hon. Gleeson

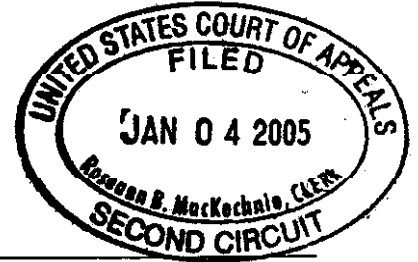
United States Court of Appeals
FOR THE
SECOND CIRCUIT

JUDGMENT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 4th day of January, two thousand and five.

Before: Hon. José A. Cabranes,
Hon. Richard C. Wesley,
*Circuit Judges**

Docket Nos. 04-0344-cv, 04-1052-cv, 04-0514, 04-1055-cv, 04-2105-cv



WAL-MART STORES, INC., THE LIMITED, INC., SEARS ROEBUCK AND CO., SAFEWAY INC., AUTOLAB OF FARMINGTON HILLS, BERNIE'S ARMY-NAVY STORE, BURLINGTON COAT FACTORY WAREHOUSE CORPORATION, CIRCUIT CITY STORES, INC., THE COFFEE STOP, INC. d/b/a TORREO COFFEE & TEA COMPANY, COMPUTER SUPPLIES UNLIMITED, DENTURE SPECIALISTS, INC., PAYLESS SHOESOURCE, INC., SHOES ETC., INC. d/b/a ARNOLD'S SHOES, SCRUB SHOP, INC., SPORTSHOP, INC., GENEVA WHITE, D.M.D., UCC KWIK DOC., INC., f/k/a UCC EXPRESS, INC., INTERNATIONAL MASS RETAIL ASSOCIATION, NATIONAL RETAIL FEDERATION, and FOOD MARKETING INSTITUTE,

Plaintiffs-Appellees,

CONSTANTINE & PARTNERS PC, et al.,
Class Counsel-Appellees-Cross-Appellants,

DOW JONES AND COMPANY, INC.,
Intervenor-Plaintiff-Appellee,

v.

VISA, U.S.A. INC. And MASTERCARD INTERNATIONAL, INC.,
Defendants Appellees,

CITIGROUP, INC., PULSE EFT ASSOCIATION, and EDGAR, DUNN AND COMPANY,
Interested Parties,

REYN'S PASTA BELLA LLC, JEFFREY LEDON DEWEESE, M.D. BARRY LEONARD d/b/a CRITTER FRITTERS, HAT-IN-THE-RING, INC. d/b/a EDDIE RICKENBACKER'S,
Objectors-Appellants,

NUCITY PUBLICATIONS, INC.,
Objector-Appellant,

LUPITA LLAMAS MARTINEZ d/b/a DEL YAQUI RESTAURANT, ARMENTA'S MEXICAN FOOD, INC.,
Objectors-Appellants,

LEONARDO'S PIZZA BY THE SLICE, INC., 710 CORP.,
Objectors-Appellants-Cross-Appellees,

ROMAN BUHOLZER d/b/a THE CONTINENTAL GARDEN RESTAURANT,
Objector-Cross-Appellee,

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT ED. N.Y.
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ISSUED AS MANDATE: MAR - 9 2005 -

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January 4, 2005

04-0344-cv

PRESTON CENTER PERSONAL TRAINING, INC., UCC KWIK DOC., INC., f/k/a UCC EXPRESS, INC., DUKE PRODUCTS, INC., SOUTHERN NETWORK SERVICES, INC., SOUND DEALS, INC., DIGITAL SOLUTIONS, INC., VILLAGE FABRICS AND FURNISHINGS, INC., RENTAL SOLUTIONS INC., RENT TECH, INC., G & G ENTERPRISES, NSQ ENTERPRISES, INC., S&GJ ENTERPRISES, INC., IAC VACA, INC., JOHN WENTURINE, V P I, INC., MORRIS TOWN USA, INC., YOUNG PIONEERS, INC., DIGITAL PAYROOM, INC., WAGNER'S BAKERY, INC., BEACHES N CREAM, KICKERS' CORNER OF THE AMERICAS, INC., MSV RECORDS & PRODUCTION, INC., SOUTHERN LADY FLOWERS, ROUND HOUSE, INC., RON JEN, INC., d/b/a THE BOATHOUSE, and RON FRED, INC.,

Objectors.

Appeal from the United States District Court for the Eastern District of New York.

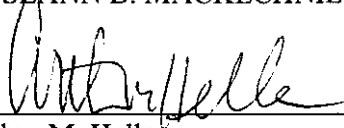
This cause came on to be heard on the transcript of record from the United States District Court for the Eastern District of New York and was argued by counsel.

On consideration whereof, it is hereby ORDERED, ADJUDGED and DECREED that the judgment of said District Court be and it hereby is AFFIRMED in accordance with the opinion of this court.

FOR THE COURT:

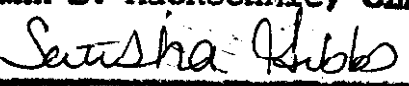
ROSEANN B. MACKECHNIE, Clerk

by


Arthur M. Heller

Motions Staff Attorney

* Because the Honorable Chester J. Straub recused himself prior to oral argument, this case was decided by a two-judge panel. *See Murray v. NBC*, 35 F.3d 45 (2d Cir. 1994).

A TRUE COPY
Roseann B. MacKechnie, CLERK
by 
DEPUTY CLERK